

REMARKS

The application contains claims 7-10, 16-24, 26 and 28-36. By this amendment, claims 7, 21 and 23 have been amended. No new matter has been added. In view of the following remarks, Applicants respectfully request allowance of the application.

Personal Interview

Applicants thank Examiner Song for the courtesies extended to Applicants' representatives Robert Hails and Wesley Jones during the personal interview of November 20, 2006. At the interview, Applicants' representatives presented an explanation of the underlying technology as well as an explanation of the differences between the cited prior art and the claimed subject matter. These explanations are substantially repeated here. Although no formal agreement was reached regarding the claims, the Examiner agreed to reconsider the rejections based on the arguments and explanations provided by Applicants' representatives.

Allowable and Allowed Claims

Applicants thank the Examiner for indicating the allowability of claims 18, 19, 21, 30 and 32. Applicants also thank the Examiner for indicating claims 22-24 and 33-36 are allowed.

Claim Rejections under 35 U.S.C. § 101

Claims 9 and 10 stand rejected as directed to non-statutory subject matter for failure to recite a useful, concrete and tangible result. Claim 9 is a computer system claim that recites a combination of physical elements including a processor and first and second storage spaces, each of which are statutory subject matter. Further, claim 9 recites the storage of an index table that associates elements of two different BIOSes to facilitate modular BIOS updating. Claim 9 is therefore clearly directed to statutory subject matter and recites a useful, concrete and tangible result. Accordingly, Applicants respectfully request withdrawal of all outstanding § 101 rejections.

Prior Art Rejections

Claim 7 Defines over Wisor

Claim 7 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Wisor* (U.S. Patent No. 6,823,435). Applicants respectfully request withdrawal of this rejection because *Wisor* does not teach or suggest all elements of independent claim 7.

Claim 7 recites:

A method for updating a system BIOS for a processor, comprising:
upon restart of the processor, determining whether system
memory contains a BIOS package for updating a modular
component of the system BIOS,
authenticating the BIOS package, and
**upon successful authentication, storing the BIOS
package in a reprogrammable BIOS memory space.**

Wisor does not teach or suggest storing a BIOS package in a reprogrammable BIOS memory space after successfully authenticating the BIOS package, which is originally located in a separate system memory. Col. 1, lines 57-61 of *Wisor* simply suggests that BIOS code is commonly stored in various types of non-volatile ROM devices. Col. 4, lines 16-18 of *Wisor* states that a flash memory unit of a computer system can contain multiple non-volatile memory cells. Contrary to the assertions of the Office Action, Applicants contend that these sections of *Wisor* are clearly not related to the features recited in claim 7 and, further, that no portion of *Wisor* discloses the subject matter of claim 7. *Wisor* therefore fails to teach or suggest each element of claim 7. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 7 Defines over Lee

Claim 7 also stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Lee* (U.S. Patent No. 5,794,054). Applicants respectfully request withdrawal of this rejection because *Lee* does not teach or suggest all elements of independent claim 7.

Claim 7 recites:

A method for updating a system BIOS for a processor, comprising:
upon restart of the processor, determining whether system
memory contains a BIOS package for updating a modular
component of the system BIOS,
authenticating the BIOS package, and
**upon successful authentication, storing the BIOS
package in a reprogrammable BIOS memory space.**

Lee does not teach or suggest storing a BIOS package for updating a portion of a system BIOS in a reprogrammable BIOS memory space after successfully authenticating the BIOS package, which is originally located in a separate system memory. *Lee*, at col. 1, lines 44-52, describes verifying the status of a current system BIOS, not authenticating a BIOS package used to

update a modular component of a current system BIOS. Further, col. 1, lines 58-64 of *Lee* describes replacing an entire system BIOS if the integrity of the system BIOS is found to be corrupted and fails to disclose updating a modular component of a BIOS using a BIOS package as recited in claim 7. *Lee* therefore fails to teach or suggest each element of claim 7. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 8 depends from independent claim 7 and is allowable for at least the reasons applicable to claim 7 described above, as well as due to the features recited therein.

Claim 9 Defines over Leavitt

Claim 9 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Leavitt* (U.S. Patent No. 5,918,047). Applicants respectfully request withdrawal of this rejection because *Leavitt* does not teach or suggest all elements of independent claim 9.

Claim 9 recites:

A computer system, comprising:
a processor,
firmware electrically connected to the processor, the
firmware comprising:
a first storage space to store a first system BIOS, the first
storage space being a read only memory,
second storage space to store a second system BIOS and
an index table, **the index table associating elements of the
second system BIOS with elements of the first system BIOS.**

The Office Action suggests that Figure 1 and/or column 3, lines 58-67 of *Leavitt* discloses the index table feature of claim 9. Applicants disagree. Column 3, lines 58-67 of *Leavitt* specifically states the following:

Secondary storage 22 contains alternate or back-up codes for the code blocks contained in flash memory 20. In other words, for each primary code block in flash memory 20, there is a corresponding alternate code block in secondary storage 22. Thus, secondary storage 22 contains an alternate boot block code 28 and alternate BIOS code blocks 30. In FIG. 1, the alternate BIOS code blocks 30 are shown as alternate system BIOS code block 30a, alternate video BIOS code block 30b, alternate APM BIOS code block 30c, and alternate plug and play BIOS code block 30d.

Applicants assert that neither this section of *Leavitt* nor any other section of *Leavitt* discloses a second storage space **storing an index table that associates elements of a second system BIOS with elements of a first system BIOS** as required by claim 9. *Leavitt* therefore fails to teach or suggest each element of claim 9. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 10 depends from independent claim 9 and is allowable for at least the reasons applicable to claim 9, as well as due to the features recited therein.

Claim 16 Defines over Christeson

Claim 16 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Christeson* (U.S. Patent No. 5,579,522). Applicants respectfully request withdrawal of this rejection because *Christeson* does not teach or suggest all elements of independent claim 16.

Claim 16 recites:

A BIOS processing method, comprising:
 executing a system BIOS from a default memory space,
 executing an ancillary BIOS according to:
 determining whether an ancillary BIOS exists in an alterable memory space,
 if no ancillary BIOS exists in the alterable memory space, executing an ancillary BIOS from the default memory space.

Christeson does not disclose execution of both a system BIOS and an ancillary BIOS. Further, *Christeson* does not disclose more than one ancillary BIOS stored in separate locations. Instead, *Christeson* is directed to the activation of either a normal system BIOS or a recovery BIOS based on the integrity of the normal system BIOS (See *Christeson*, Abstract). Specifically, *Christeson* states that “[i]n order to prevent an aborted BIOS update from rendering the computer system non-functional, the update procedure of **the present invention operates in two distinct user environments**: a normal update mode and a recovery update mode” (*Christeson*, col. 6, lines 8-12). *Christeson* describes the availability and use of only one backup BIOS and therefore does not disclose a selection between ancillary BIOSes for execution (thereby obviating the selection or determination step also required by claim 16). *Christeson* therefore fails to teach or suggest each element of claim 16. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 17 depends from independent claim 16 and is allowable for at least the reasons applicable to claim 16, as well as due to the features recited therein.

Claim 20 Defines over Christeson

Claim 20 stands rejected under 35 U.S.C. § 102(b) as being anticipated by *Christeson*. Applicants respectfully request withdrawal of this rejection because *Christenson* does not teach or suggest all elements of independent claim 20.

Claim 20 recites:

An ancillary BIOS processing method, comprising:
determining whether an ancillary BIOS package is present in an enhancement space of firmware,
if the ancillary BIOS package is present, determining whether a predetermined user command has been entered,
if the predetermined user command has not been entered, executing the ancillary BIOS package from the enhancement space,
otherwise, executing an ancillary BIOS from a default space of firmware.

As discussed above in regards to claim 16, *Christeson* does not teach or suggest more than one ancillary BIOS stored in separate locations. Further, *Christeson* does not disclose determining which ancillary BIOS to execute based on the issuance of a predetermined user command. *Christeson* therefore fails to teach or suggest each element of claim 20. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claim 26 Defines over Leavitt

Claim 26 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Leavitt* (U.S. Patent No. 5,918,047). Applicants respectfully request withdrawal of this rejection because *Leavitt* does not teach or suggest all elements of independent claim 26.

Claim 26 recites:

A video BIOS processing method, comprising:
during execution of a system BIOS, determining whether a **first video BIOS exists in an alterable firmware section** of a memory system,
if no video BIOS exist in the alterable section, executing a **second video BIOS in a nonalterable firmware section** in the memory system.

Leavitt is only tangentially related to claim 26. *Leavitt* does not disclose the possibility of more than one video BIOS stored in separate memory locations. Further, *Leavitt* does not disclose, **during execution of a system BIOS**, a process for selecting which video BIOS to execute based on detecting the presence of a particular video BIOS. *Leavitt* therefore fails to teach or

suggest each element of claim 26. Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 28-29 depend from independent claim 26 and are allowable for at least the reasons applicable to claim 26, as well as due to the features recited therein.

Claim 31 Defines over Leavitt

Claim 31 stands rejected under 35 U.S.C. § 102(e) as being anticipated by *Leavitt*. Applicants respectfully request withdrawal of these rejections because *Leavitt* does not teach or suggest all elements of independent claim 31.

Claim 31 recites:

A video BIOS processing method, comprising:
determining whether a video BIOS package is present in
an enhancement space of firmware,
if the video BIOS package is present, **determining
whether a predetermined user command has been entered**,
if the predetermined user command has not been entered,
executing the video BIOS package from the enhancement space,
otherwise, executing a video BIOS from a **default space
of firmware**.

As discussed above in regards to claim 26, *Leavitt* does not teach or suggest the possibility of more than one video BIOS stored in separate memory locations nor, during execution of a system BIOS, a process for selecting which video BIOS to execute. Further, *Leavitt* does not disclose determining which video BIOS to execute based on the issuance of a predetermined user command as required by claim 31. *Leavitt* therefore fails to teach or suggest each element of claim 31. Accordingly, Applicants respectfully that this rejection be reconsidered and withdrawn.

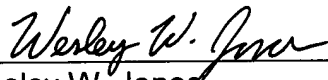
CONCLUSION

Applicants respectfully request entry of the above amendments and favorable action in connection with this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4419 to discuss any matter concerning this application.

All claims are allowable. Allowance is solicited.

Respectfully submitted,

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Wesley W. Jones
Registration No. 56,552

KENYON & KENYON
1500 K Street, N.W.
Washington, D.C. 20005
Ph.: (202) 220-4200
Fax.: (202) 220-4201